

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:18-CV-00232-GCM**

**BALFOUR BEATTY CONSTRUCTION, )  
LLC,**

**Plaintiffs,**

**v.**

**FCCI INSURANCE COMPANY,**

**Defendants.**

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**ORDER**

**THIS MATTER COMES** before this Court *sua sponte*. The Parties briefed the Motion for Summary Judgment (Doc. No. 13) in this case. After review of the briefs, the Court will require additional briefing on the following topic. The insurance policy in this matter contains a notice provision that requires insureds to notify Defendant of a claim or suit “as soon as practicable.” The Court directs the Parties to address, in ten pages or fewer, the issue of whether proper notice was given to Defendant as required by the policy and what, if any, impact that notice has on the outcome of this case. Specifically, did Plaintiff provide notice to Defendant “as soon as practicable” and if not, how does that impact the pending Motion for Summary Judgment in this matter? Defendant’s brief on this issue is due on May 23, 2019. Plaintiff’s response is due on May 30, 2019. And Defendant’s reply is due June 6, 2019.

Due to the pending Motion for Summary Judgment and the required additional briefing, the trial in this matter is continued off of the June trial calendar. The Court will re-set the trial via Notice at a later date.

**SO ORDERED.**

Signed: May 9, 2019

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

